

REMARKS

This application has been reviewed in light of the FINAL REJECTION mailed March 7, 2007. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 19 are pending in the application with Claims 1 and 16 – 18 being in independent form. By the present amendment, Claims 1, 2 and 16 – 18 are amended.

Claims 1 and 16 – 18 are amended to recite: "...said anesthesia apparatus related system including an anesthesia administering apparatus for administering anesthesia to a patient..." No new subject matter is introduced into the disclosure by way of the present amendment.

I. Objection to the Claims

The Examiner has objected to the claims for allegedly lacking antecedent basis for the terms "first information", "second information" and "third information". In addition, Claim 2 has an issue with redundancy.

In response, Claim 2 has been amended to replace "first information" with "anesthesia information", "second information" with "endoscopic image information", and "third information" with "combined anesthesia-endoscopic image information". Also, the clause: "the transceiver having a communication portion for communicating between the anesthesia-apparatus related system and the endoscopic system" has been removed as redundant in view of the limitations recited in Claim 1.

Accordingly, Applicant respectfully requests withdrawal of the objection to the claims.

II. Rejection of Claims 1 – 19 Under 35 U.S.C. § 102(e)

Claims 1 – 19 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Publication No. 2004/0044269 issued to Shibata.

The endoscopic image filing system in Shibata does not disclose or suggest an endoscopic surgical system that includes an anesthesia-related apparatus having an anesthesia apparatus. The Examiner asserts that the patient monitoring apparatus 4 anticipates Applicant's anesthesia-related apparatus, however the patient monitoring apparatus is a monitoring device, but does not include an anesthesia apparatus.

As the Examiner states in the current Office Action, Shibata discloses a patient monitoring system, which may be used to monitor the efficacy of applied anesthetics. However, the patient monitoring system could be a standard heart monitor, for example. Such a standard monitoring device does not include an anesthesia administering apparatus for administering anesthesia to a patient. Rather, the monitoring system disclosed in Shibata only monitors the patient's condition and thereby provide feedback to the anesthesiologist regarding the efficacy of the applied anesthetics.

It is well-settled by the Courts that "[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Therefore, as demonstrated above, because Shibata does not disclose each and every element recited in the present claims, we believe that the proposed amendments to Claims 1 and 16 - 18 obviate the rejection with respect to Claims 1 – 19 under 35 U.S.C. § 102(e).

In addition since Shibata and the present invention are commonly assigned to Olympus Corporation, Shibata would not be available as a prior art reference under a 35 U.S.C. § 103(a) rejection, in accordance with the provisions of 35 U.S.C. § 103(c).

Specifically, 35 U.S.C. § 103(c) disqualifies a reference as prior art under § 103(a) if the reference qualifies as prior art under § 102(e), (f) or (g) and the reference and the claimed invention were owned by the same person or subject to an obligation of assignment to the same person (or same organization) at the time the invention was made.

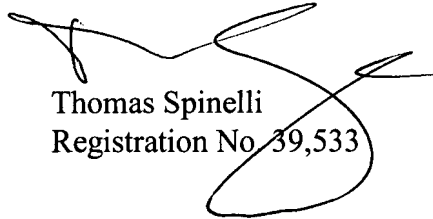
Therefore, for at least the reasons provided above, Claims 1 – 19 are believed to be allowable over the cited prior art. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1 – 19 35 U.S.C. 102(e).

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 19 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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